

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PERRY CIRAULU, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., NICHOLAS S.
SCHORSCH, DAVID S. KAY, BRIAN
BLOCK, and LISA MCALISTER,

Defendants.

(Additional captions on following pages)

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) **No.:** 1:14-cv-08659-AKH

) Hon. Alvin K. Hellerstein
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) ECF Case
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**NOTICE OF MOTION AND MOTION BY THE CITY OF TAMPA GENERAL
EMPLOYEES RETIREMENT FUND FOR CONSOLIDATION,
APPOINTMENT AS LEAD PLAINTIFF, AND APPROVAL OF COUNSEL**

BERNARD PRIEVER, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., LISA MCALISTER,
and BRIAN BLOCK,

Defendants.

No.: 1:14-cv-08668-AKH

STUART RUBINSTEIN, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., BRIAN BLOCK; LISA
MCALISTER and NICHOLAS S.
SCHORSCH;

Defendants.

No.: 1:14-cv-08669-AKH

KEVIN PATTON, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC.; DAVID S. KAY;
NICHOLAS S. SCHORSCH; BRIAN
BLOCK; and LISA MCALISTER,

Defendant [sic]

No.: 1:14-cv-08671-AKH

JAMES W. EDWARDS, JR., Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC.; NICHOLAS S.
SCHORSCH, DAVID S. KAY, BRIAN
BLOCK and LISA PAVELKA MCALISTER,

Defendants.

No.: 1:14-cv-08721-AKH

BERNEY HARRIS, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., NICHOLAS S.
SCHORSCH, BRIAN BLOCK, DAVID S.
KAY and LISA MCALISTER,

Defendants.

No.: 1:14-cv-08740-AKH

SIMON ABADI, On Behalf of Himself and All
Others Similarly Situated,

Plaintiff,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., NICHOLAS S.
SCHORSCH, DAVID S. KAY, PETER
BUDKO, BRIAN S. BLOCK, LISA E.
BEESON, WILLIAM M. KAHANE, EDWARD
M. WEIL, JR., LESLIE D. MICHELSON,
EDWARD G. RENDELL, and SCOTT J.
BOWMAN,

Defendants.

No.: 1:14-cv-09006-AKH

THE CITY OF TAMPA GENERAL
EMPLOYEES RETIREMENT FUND,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., NICHOLAS S.
SCHORSCH, DAVID S. KAY, BRIAN
BLOCK, PETER M. BUDKO, EDWARD M.
WEIL, JR., BRIAN D. JONES, WILLIAM M.
KAHANE, EDWARD G. RENDELL,
WALTER P. LOMAX, JR., LESLIE D.
MICHELSON, SCOTT J. BOWMAN,
MERRILL LYNCH, PIERCE, FENNER &
SMITH INC., CITIGROUP GLOBAL
MARKETS INC., BARCLAYS CAPITAL
INC., J.P. MORGAN SECURITIES LLC,
CAPITAL ONE SECURITIES INC., CREDIT
SUISSE SECURITIES (USA) LLC,
DEUTSCHE BANK SECURITIES INC.,
WELLS FARGO SECURITIES, LLC,
ROBERT W. BAIRD & CO. INC.,
LADENBURG THALMANN & CO. INC.,
BMO CAPITAL MARKETS CORP., JMP
SECURITIES LLC, JANNEY
MONTGOMERY SCOTT LLC, MIZUHO
SECURITIES USA INC., PNC CAPITAL
MARKETS LLC, PIPER JAFFRAY & CO.,
AND RBS SECURITIES INC.,

Defendants.

No.: 1:14-cv-10134-UA

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the Motion For Consolidation, Appointment as Lead Plaintiff, and Approval of Lead Counsel by The City Of Tampa General Employees Retirement Fund (“Tampa” or the “Movant”) filed herewith, proposed Lead Plaintiff, Tampa, hereby moves this Court, the Honorable Alvin K. Hellerstein, United States District Court, Southern District of New York, Room 14D, Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, NY, 10007, for the entry of an Order: (1) consolidating the above-captioned actions; (2) appointing Tampa as Lead Plaintiff on behalf of all persons who purchased or otherwise acquired the securities of American Realty Capital Properties, Inc. (“American Realty” or the “Company”) from May 6, 2013 through October 29, 2014, inclusive (the “Class”), pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995; or in the alternative, appointing Tampa as Lead Plaintiff on behalf of all persons who purchased or otherwise acquired common stock of American Realty pursuant or traceable to the prospectus and registration statement issued in connection with the Company’s May 21, 2014 Secondary Offering of 138 million shares of its common stock (the “Sub-Class”), pursuant to pursuant to Section 27 of the Securities Act of 1933, 15 U.S.C. § 77z-1(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995; (3) approving Lead Plaintiff’s selection of Morgan & Morgan, P.C. as Lead Counsel for the Class and/or the Sub-Class; and, (4) granting such other and further relief as the Court may deem just and proper.

Dated: December 29, 2014
New York, New York

Respectfully submitted,
MORGAN & MORGAN, P.C.

/s/

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***Counsel for Movant and Proposed Lead
Counsel for the Class and/or Sub-Class***